

RECEIVED
IN LAKE CHARLES, LA.

JUL 16 2015

TONY R. MOORE, CLERK
BY Pat DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JAMES CLINTON MCCORVEY, JR.,

Petitioner,

v.

C. MAIORANA,

Respondent.

* CIVIL ACTION NO. 2:14-cv-878

*

*

*

* JUDGE MINALDI

*

*

*

* MAGISTRATE JUDGE KAY

*

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. 4] of the Magistrate Judge previously filed herein, consideration of the Objections [Doc. 5], after an independent review of the record, a *de novo* determination of the issues, and having determined that the findings are correct under applicable law,

IT IS ORDERED that the petitioner's petition [Doc. 1] be and hereby is **DISMISSED, WITH PREJUDICE**, because the court lacks jurisdiction to consider these claims. The Fifth Circuit Court of Appeals has explicitly held that *Descamps v. U.S.*, 133 S.Ct. 2276 (2013), is not retroactive on collateral review. *In re Jackson*, 776 F.3d 292, 296 (5th Cir. 2015).

Lake Charles, Louisiana, this 15 day of July, 2015.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE